



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
401 CHURCH STREET
L & C ANNEX 6TH FLOOR
NASHVILLE TN 37243**

July 6, 2012

Honorable Dennis Phillips
Mayor
City of Kingsport
225 W. Center St.
Kingsport, TN 37660

Subject: **Permit No. IWT000003
City of Kingsport
Kingsport, Sullivan County, Tennessee**

Dear Mayor Phillips:

In accordance with the provisions of the Tennessee Water Quality Control Act, Tennessee Code Annotated (T.C.A.), Sections 69-3-101 through 69-3-120, the Division of Water Pollution Control hereby issues the enclosed NPDES Permit. The continuance and/or reissuance of this NPDES Permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that a petition for permit appeal may be filed, pursuant to T.C.A. Section 69-3-105, subsection (i), by the permit applicant or by any aggrieved person who participated in the public comment period or gave testimony at a formal public hearing whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Additionally, for those permits for which the department gives public notice of a draft permit, any permit applicant or aggrieved person may base a permit appeal on any material change to conditions in the final permit from those in the draft, unless the material change has been subject to additional opportunity for public comment. Any petition for permit appeal under this subsection (i) shall be filed with the board within thirty (30) days after public notice of the commissioner's decision to issue or deny the permit.

If you have questions, please contact the Johnson City Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Jim McAdoo at (615) 532-0684 or by E-mail at Jim.McAdoo@tn.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Vojin Janjic", is positioned above the printed name.

Vojin Janjic
Manager, Permit Section
Division of Water Pollution Control

Enclosure

cc: Permit Section File
Johnson City Environmental Field Office (Jeff.Horton@tn.gov)



INTER-BASIN WATER TRANSFER PERMIT

No. IWT000003

Authorization to inter-basin transfer water

Issued By

Tennessee Department of Environment and Conservation

Division of Water Pollution Control

401 Church Street

6th Floor, L & C Annex

Nashville, Tennessee 37243

Under authority of the Tennessee Inter-basin Water Transfer Act of 2000 (Public Chapter No. 854)

Withdrawing System:

City of Kingsport

Is authorized:

to transfer 0.15 million gallons per day (MGD)

From the:

Holston/Watauga River basin at RM 6.2

To the:

French Broad/Nolichucky River basin

Through:

a connection with the Town of Jonesborough

In accordance with the conditions set forth herein.

This permit shall become effective on:

September 1, 2012

This permit shall expire on:

July 31, 2017

Issuance date:

August 1, 2012

A handwritten signature in blue ink, appearing to read "S. Dudley", is written over a horizontal line.

**for Sandra Dudley, P.E.
Environmental Program Administrator
Division of Water Resources**

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(1) Transfer Authorization and Monitoring Requirements

The City of Kingsport is authorized to transfer water from the Holston/Watauga river basin to the Town of Jonesborough which is located in the French Broad/Nolichucky river basin. This transfer shall be conducted by the permittee as specified below:

The maximum amount of transfer allowed by this permit is 0.15 million gallons per day (MGD).

(2) Definitions

All terms used in this permit have the meanings set forth in the Inter-basin Water Transfer Act and the regulations promulgated pursuant thereto.

(3) General provisions

(a) Renotification

The permittee is not authorized to transfer water after the expiration date of this permit. A renewal application for this permit will be due at least 180 days prior to the expiration date of this permit.

(b) Right of entry

The permittee shall allow the Director or his authorized representatives:

1. to enter the owner/operator's or person's premises to observe the transfer of water; and
2. to determine compliance with the permit or any impact on the river basin of origin.

(c) Availability of reports

All information submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Pollution Control.

(d) Property rights

This permit does not convey or create any property rights, or any exclusive privileges, nor does it override or authorize any infringement of Federal, State, or local laws or regulations.

(e) Severability

The provisions of this permit are severable. If any provision of this permit due to any circumstance is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

(f) Other information

If the permittee becomes aware that it failed to submit any relevant facts during the notification process or submitted incorrect information during the notification process or in any report to the Division, then it shall promptly submit such facts or information.

(g) Signatory requirements

1. Written notification submitted to the Division shall be signed as follows:

- (i) For a corporation: by a responsible corporate officer. For the purpose of this subpart, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sale or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (ii) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- (iii) For a municipality, state, federal, or other public facility: either by a principal executive officer or ranking elected official. For the purposes of this Section, a principal executive officer of federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by the permit or information submitted to the Division shall be signed by a person designated in part 1 above or a duly authorized representative of such person, if:

- (i) The representative so authorized is responsible for the activity, e.g., a plant manager, superintendent or person of equivalent responsibility;
- (ii) The authorization is made in writing by the person designated under part 1 above; and
- (iii) The written authorization is submitted to the Division.

3. Any changes in the written authorization submitted to the Division under part 2 above which occur after the issuance of a permit shall be reported to the Division by submitting a copy of a new written authorization which meets the requirements of parts 1 and 2 above.

4. Any person signing any document under parts 1 and 2 above shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(4) Reporting Requirements

By October 1st of each year, the permittee shall report to the Division the average daily amount of inter-basin transfer calculated for the highest continuous 90-day period. The period to be reported shall be from the effective date of the permit to the following June 30th. This information shall be provided to the Division in a manner satisfactory to the Division.

(5) Changes affecting coverage under this permit

(a) Planned changes

The permittee shall give notice to the Division as soon as possible of planned physical alterations or additions to the same stream inter-basin transfer. Any transfer to another person not in the basin of origin shall receive approval by the Division prior to the commencement of the transfer.

(b) Change of mailing address

The permittee shall promptly provide to the Division written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

(6) Noncompliance

(a) Effect of noncompliance

All activities shall be consistent with terms and conditions of this permit. Any noncompliance constitutes a violation of applicable State laws and is grounds for enforcement action or termination of coverage under the permit.

(b) Adverse impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying withdrawal. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(7) Liabilities

(a) Civil and criminal liability

Except as provided in this permit, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the withdrawal. Additionally, notwithstanding this permit, it shall be the responsibility of the owner/operator or person to conduct its activities in a manner such that public or private nuisances or health hazards will not be created.

(b) Liability under State law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law, as amended.

(8) Permit Revocation, Suspension, or Modification

The commissioner may revoke, suspend, or modify any permit for the following reasons:

- (a) A violation of any terms or conditions of this permit;
- (b) Obtaining this permit by misrepresentation or failing to disclose fully all relevant facts; or
- (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted inter-basin transfer because of reasonably likely adverse impacts to downstream users or the environment.

(9) Permit Appeal Rights

Any person aggrieved by the denial of this permit or the imposition of a permit condition may appeal such matter to the Water Quality Control Board by filing an appeal petition with the commissioner within thirty (30) days of the issuance or denial of the permit.